

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

02 NOV -6 AM 10:35
GARY D. McFARLAND
CLERK

IN THE MATTER OF
THE CREATION OF
THE NEBRASKA DOCKET

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NO 02: 09

STANDING ORDER

With the agreement of all the judges of this court,

IT IS ORDERED that:

(1) Except as provided in the following paragraph, all civil cases (including section 2254 cases (habeas corpus cases) and pro se cases) filed on or after January 1, 2003 shall be placed in one docket called the "Nebraska docket" if (a) the State of Nebraska, or any of its agencies, is named a defendant in the original complaint or (b) in the original complaint, a person is named a defendant (whether in his or her individual or official capacity) because of acts or omissions allegedly occurring while that person was allegedly employed by the State of Nebraska or any of its agencies. For purposes of this docket, any constitutional office (such as the Nebraska Secretary of State), any department of state government (such as the Department of Environmental Quality), any Nebraska prison (such as the Nebraska State Penitentiary), any Nebraska four-year college or university (such as the University of Nebraska, Lincoln) and the Board of Regents of the University of Nebraska shall be considered agencies of the State of Nebraska. "Agencies of the State of Nebraska" will not include local political subdivisions such as cities or counties, natural resource districts, public power districts and or similar entities. If the Clerk of the Court is uncertain as to whether a case is properly placed in the

Nebraska docket the Clerk may seek the guidance of the Chief Judge, and the decision of the Chief Judge shall be final.

(2) The Nebraska docket will not include cases challenging a sentence of death imposed by a state court.

(3) Cases placed in the Nebraska docket shall be randomly assigned to, and equitably divided among, the district judges regardless of their duty station and without regard to the place of trial designated by the plaintiff. Unless otherwise directed by the Chief Judge in his or her sole discretion, each active district judge will receive approximately 22.5 percent of the cases and each senior district judge will receive approximately 5.0 percent of the cases. Once a district judge is drawn for a particular case, a magistrate judge will be drawn in accordance with the practice normally used when assigning magistrate judges in that location; that is, Omaha magistrate judges will be paired with Omaha district judges and the Lincoln magistrate judge paired with Lincoln district judges. If a district judge is not normally paired with a magistrate judge, the Clerk shall consult with the district judge who is selected regarding whether a magistrate judge should be drawn and, if so, from which locality the magistrate judge should be selected. In that event, the Clerk shall follow the directions of the district judge who has been assigned the case.

(4) Senior District Judges will receive cases from the Nebraska docket unless otherwise ordered by the Chief Judge or unless a senior district judge express a preference not to receive cases from this docket.

(5) The district judge to whom a case from the Nebraska docket is assigned may decide to try the case in Omaha or Lincoln at his or her

sole discretion and regardless of the place of trial designated by the plaintiff. However, the judge should consider the convenience of the parties, the lawyers, and the witnesses and any other pertinent matters before deciding where the case shall be tried. The judge may, but is not required to, solicit the views of counsel prior to making a decision on the place of trial. All juries shall be drawn from the pool of jurors used at the place the case is actually tried.

November 5, 2002

BY THE COURT:

s/Richard G. Kopf
Richard G. Kopf
Chief United States District Judge